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THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-sixth year

Report of the Secretary-General

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1	2
II.	UNITED NATIONS PEACE-KEEPING ACTIVITIES	2 - 11	2
III.	SITUATION IN THE OCCUPIED TERRITORIES	12 - 16	4
IV.	PALESTINE REFUGEE PROBLEM	17 - 18	7
V.	QUESTION OF PALESTINE	19 - 22	8
VI.	SITUATION IN THE MIDDLE EAST	23 - 25	10
VII.	OBSERVATIONS	26 - 32	11

I. INTRODUCTION

1. The present report is submitted in pursuance of General Assembly resolution 45/83 A of 13 December 1990. In that resolution, the Assembly dealt with various aspects of the situation in the Middle East and requested the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the Assembly at its forty-sixth session a comprehensive report covering the developments in the Middle East in all their aspects. The present report covers the period from 20 November 1990 to 15 November 1991. It should be pointed out, however, that the report does not address the situation between Iraq and Kuwait. It is based mainly on information available in United Nations documents, to which references are made whenever appropriate.

II. UNITED NATIONS PEACE-KEEPING ACTIVITIES

2. There continue to be three United Nations peace-keeping operations in the area: two peace-keeping forces, the United Nations Disengagement Observer Force (UNDOF) and the United Nations Interim Force in Lebanon (UNIFIL), and one observer mission, the United Nations Truce Supervision Organization (UNTSO).

A. United Nations Disengagement Observer Force

3. UNDOF, with some 1,330 troops provided by Austria, Canada, Finland and Poland, is deployed between the Israeli and Syrian forces on the Golan Heights in accordance with the disengagement agreement concluded between Israel and the Syrian Arab Republic in May 1974. A group of UNTSO observers is detailed to the Force and assists it in the performance of its tasks. The main functions of the Force are to supervise the cease-fire between the Israeli and Syrian forces and to man the area of separation established by the disengagement agreement. The mandate of UNDOF has been extended twice by the Security Council during the reporting period, the last time on 30 May 1991 for a further period of six months until 30 November 1991 (resolution 695 (1991)).

4. The activities of the Force since May 1990 are described in two reports of the Secretary-General to the Security Council, dated 23 November 1990 (S/21950 and Corr.1) and 21 May 1991 (S/22631 and Add.1). As reported by the Secretary-General, the situation in the Israel-Syria sector has remained generally quiet; UNDOF has continued to perform its functions effectively with the cooperation of the parties, and there have been no serious incidents.

B. United Nations Interim Force in Lebanon

5. UNIFIL, which is deployed in southern Lebanon, was established by the Security Council on 19 March 1978, following the first Israeli invasion of Lebanon. Its terms of reference were - and still are - to confirm the withdrawal of the Israeli forces as called for by the Security Council, to restore international peace and security and to assist the Government of Lebanon in ensuring the return of its effective authority in the area (resolution 425 (1978) of 19 March 1978).

6. The mandate of the Force has since been extended as necessary, the last time on 31 July 1991 for a further period of six months until 31 January 1992 (resolution 701 (1991)). UNIFIL currently has some 5,844 troops, provided by Fiji, Finland, France, Ghana, Ireland, Italy, Nepal, Norway and Sweden. A group of UNTSO observers assists the Force in the performance of its tasks.

7. The activities of UNIFIL and the situation in its area of operation in southern Lebanon from 25 July 1990 until 20 July 1991 are described in two reports of the Secretary-General to the Security Council, dated 23 January 1991 (S/22129 and Add.1) and 21 July 1991 (S/22829). In those reports, the Secretary-General stated that UNIFIL continued to exert its best efforts to ensure the peaceful character of its area of deployment despite many difficulties. Israel continued to control in southern Lebanon next to the armistice demarcation line an area manned by the Israel Defence Forces (IDF) and the de facto forces (DFF). Operations by resistance groups against IDF and DFF were met by retaliatory action by the latter, which frequently resulted in firings close to, and occasionally at, UNIFIL positions. The Secretary-General also referred in those reports to progress in the implementation of the Taif Agreement and the deployment of the Lebanese Army in southern Lebanon in areas adjacent to UNIFIL's area of operation. He noted that these positive developments improved the prospects that UNIFIL would be able to carry out its mandate, which includes assistance to the Government in ensuring the return of its effective authority in the area. He has expressed himself in favour of the progressive transfer to the Lebanese Army of responsibility for security in the areas at present controlled by UNIFIL.

8. The review of the scale and deployment of UNIFIL, which the members of the Security Council requested the Secretary-General to undertake, was issued as an addendum to the Secretary-General's report on the operation of UNIFIL on 28 January 1991 (S/22129/Add.1). The recommendations of the Secretariat review team, which the Secretary-General believed to be along the right lines, were that, for the time being, there should be no substantive change in UNIFIL's functions nor in its deployment, but that certain measures should be taken to streamline the Force. Those measures would produce a savings of some 10 per cent in the military strength of UNIFIL. The Security Council, in extending the mandate of UNIFIL on 31 July 1991 for a further six-month period, recalled that report "without prejudice to the views of Member States thereon" (resolution 701 (1991)).

C. United Nations Truce Supervision Organization

9. As indicated in the preceding sections, observers of UNTSO have continued to assist UNDOF and UNIFIL in the performance of their tasks. In addition, UNTSO conducts two observation operations of its own, the Observer Group at Beirut and the Observer Group in Egypt.

10. The Observer Group at Beirut was set up by the Security Council in August 1982 following the occupation of West Beirut by Israeli troops. Since the withdrawal of the Israeli forces from the Beirut area in September 1983, the activities of the Group have been reduced and its total strength now stands at 10 observers.

11. The Observer Group in Egypt, which was established when the second United Nations Emergency Force (UNEF II) was withdrawn in July 1979, has a total strength of about 50 observers. It maintains, in addition to liaison offices at Cairo and Ismailia, six outposts in the Sinai.

III. SITUATION IN THE OCCUPIED TERRITORIES

12. The General Assembly, at its forty-fifth session, after considering the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/45/576), which is composed of representatives of Senegal, Sri Lanka and Yugoslavia, adopted resolutions 45/74 A to G on 11 December 1990. By these resolutions, the General Assembly, inter alia, demanded that Israel desist forthwith from a number of policies and practices mentioned in the resolution and renewed the mandate of the Special Committee (resolution 45/74 A); reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, was applicable to the Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and strongly demanded that Israel accept the de jure applicability of the Convention and comply with its provisions (resolution 45/74 B); demanded that Israel desist forthwith from taking any action that would result in changing the legal status, geographical nature or demographic composition of the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967 (resolution 45/74 C); deplored the arbitrary detention or imprisonment by Israel of thousands of Palestinians (resolution 45/74 D); demanded that the Government of Israel rescind the illegal measures taken in deporting Palestinians and that it facilitate their immediate return (resolution 45/74 E); determined that all legislative and administrative measures and actions taken or to be taken by Israel that purported to alter the character and legal status of the Syrian Arab Golan were null and void and constituted a flagrant violation of international law (resolution 45/74 F); and condemned Israeli policies and practices against Palestinian students and faculty members in educational institutions in the occupied Palestinian territory and demanded that Israel comply with the provisions of the Fourth Geneva

Convention, rescind all actions and measures taken against those institutions, ensure the freedom of those institutions and refrain forthwith from hindering the effective operation of those institutions (resolution 45/74 G).

13. During the period under review, the Security Council met in December 1990, January, March and May 1991 to discuss the situation in the occupied Arab territories. On 20 December 1990, the Security Council adopted resolution 681 (1990). In a Presidential statement prior to the vote (S/22027), the members of the Security Council reaffirmed their determination to support an active negotiating process, in which all relevant parties would participate, leading to a comprehensive, just and lasting peace to the Arab-Israeli conflict through negotiations, which should be based on resolutions 242 (1967) and 338 (1973) of the Security Council and which should take into account the right to security of all States in the region, including Israel, and the legitimate political rights of the Palestinian people. In this context, they agreed that an international conference, at an appropriate time, properly structured, should facilitate efforts to achieve a negotiated settlement and lasting peace in the Arab-Israeli conflict. However, the members of the Council were of the view that there was not unanimity as to when would be the appropriate time for such a conference. In the view of the members of the Council, the Arab-Israeli conflict was important and unique and must be addressed independently, on its own merits. In resolution 681 (1990) the Security Council expressed its grave concern over the rejection by Israel of Security Council resolutions 672 (1990) and 673 (1990); deplored the decision by Israel, the occupying Power, to resume the deportation of Palestinian civilians in the occupied territories; urged Israel to accept the de jure applicability of the Fourth Geneva Convention to all the territories occupied by Israel since 1967 and to abide scrupulously by the provisions of the Convention; called upon the High Contracting Parties to the Convention to ensure respect by Israel, the occupying Power, for its obligations under the Convention; requested the Secretary-General, in cooperation with the International Committee of the Red Cross, to develop further the idea expressed in his report (S/21919) of convening a meeting of the High Contracting Parties to the Convention and to discuss possible measures that might be taken by them under the Convention and, for that purpose, to invite the parties to submit their views on how the idea could contribute to the goals of the Convention, as well as on other related matters, and to report thereon to the Council; also requested the Secretary-General to monitor and observe the situation regarding Palestinian civilians under Israeli occupation, making new efforts in that regard on an urgent basis, and to utilize and designate or draw upon the United Nations and other personnel and resources present there, in the area and elsewhere, needed to accomplish that task and to keep the Security Council regularly informed; and further requested the Secretary-General to submit a first progress report to the Council by the first week of March 1991 and every four months thereafter. The first report requested of the Secretary-General was circulated as document S/22472. On 4 January 1991, in a statement by the President (S/22046), the members of the Security Council expressed their deep concern about recent acts of violence in Gaza, especially actions by Israeli security forces against Palestinians, which had led to scores of casualties among those civilians;

deplored those actions, particularly the shooting of civilians; reaffirmed the applicability of the Fourth Geneva Convention to all the Palestinian territories occupied by Israel since 1967, including Jerusalem, and requested that Israel, the occupying Power, fully comply with the provisions of the Convention; reaffirmed their positions, most recently expressed in Security Council resolution 681 (1990), and supported the work of the Secretary-General in implementing that resolution; and further urged intensified efforts by all who could contribute to reducing conflict and tension in order to achieve peace in the area. In a statement by the President (S/22408) on 27 March 1991, the members of the Security Council expressed their grave concern about the continued deterioration of the situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and especially about the serious situation resulting from the imposition of curfews by Israel; deplored the decision of 24 March 1991 by Israel to expel four Palestinian civilians in violation of the Fourth Geneva Convention, which was applicable to all the above-mentioned territories, and in contravention of relevant resolutions of the Council; also called upon Israel to desist from deporting Palestinians and to ensure the safe return of those deported; and decided to keep the situation under review. On 24 May 1991 the Security Council adopted resolution 694 (1991), by which the members of the Council declared that the action of the Israeli authorities of deporting four Palestinians on 18 May 1991 was in violation of the Fourth Geneva Convention, which was applicable to all the Palestinian territories occupied by Israel since 1967, including Jerusalem; deplored this action and reiterated that Israel, the occupying Power, should refrain from deporting any Palestinian civilian from the occupied territories and ensure the safe and immediate return of all those deported; and decided to keep the situation under review.

14. On 15 February 1991, the Commission on Human Rights adopted resolutions 1991/1 A and B concerning the question of the violation of human rights in the occupied Arab territories, including Palestine. The Commission also adopted on 15 February 1991 resolution 1991/2, by which it determined that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purported to alter the character and legal status of the Syrian Arab Golan were null and void, constituted a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and had no legal effect. Furthermore, the Commission on Human Rights adopted resolution 1991/3 concerning Israeli settlements in the occupied Arab territories, by which it reaffirmed that the installation of Israeli civilians in the occupied territories was illegal and constituted a violation of the relevant provisions of the Fourth Geneva Convention and urged the Government of Israel to abstain from installing settlers, including immigrants, in the occupied territories.

15. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories held periodic meetings in pursuance of General Assembly resolution 45/74 A. Between meetings, the Special Committee was kept informed of events taking place in the occupied territories; the information was gathered from a variety of sources, including oral testimony and written communications. At

its meetings, the Special Committee reviewed that information and assessed the human rights situation in the occupied territories. In accordance with resolution 45/74 A, the General Assembly at its forty-sixth session will have before it the periodic reports of the Special Committee (A/46/65 and A/46/282), as well as the Special Committee's twenty-third report (A/46/522).

16. During its forty-fifth session, the General Assembly also adopted resolution 45/183 of 21 December 1990 concerning assistance to the Palestinian people. The report requested in that resolution has been circulated as document A/46/204-E/1991/80.

IV. PALESTINE REFUGEE PROBLEM

17. Following its consideration, at its forty-fifth session, of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for the period 1 July 1989 to 30 June 1990, 1/ the General Assembly adopted 11 resolutions on this subject on 11 December 1990. In resolution 45/73 A, the Assembly noted with deep regret that repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194 (III) had not been effected, that no substantial progress had been made in the programme endorsed by the Assembly in paragraph 2 of its resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continued to be a matter of serious concern; expressed its thanks to the Commissioner-General and to all the staff of UNRWA, recognizing that the Agency was doing all it could within the limits of available resources; reiterated its request that the headquarters of the Agency should be relocated to its former site within its area of operations as soon as practicable; noted with regret that the United Nations Conciliation Commission for Palestine had been unable to find a means of achieving progress in the implementation of paragraph 11 of resolution 194 (III), and requested the Commission to exert continued efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but no later than 1 September 1991; directed attention to the continuing seriousness of the financial position of the Agency, as outlined in the report of the Commissioner-General; noted with concern that, despite the commendable and successful efforts of the Commissioner-General to collect additional contributions, this increased level of income to the Agency was still insufficient to cover current essential requirements; and called upon all Governments, as a matter of urgency, to make the most generous efforts possible to meet the anticipated needs of the Agency.

18. The other resolutions adopted by the General Assembly dealt with the Working Group on the Financing of UNRWA (resolution 45/73 B); assistance to persons displaced as a result of the June 1967 and subsequent hostilities (resolution 45/73 C); offers by Member States of grants and scholarships for higher education, including vocational training, for Palestine refugees (resolution 45/73 D); Palestine refugees in the Palestinian territory occupied by Israel since 1967 (resolution 45/73 E); resumption of the ration distribution to Palestine refugees (resolution 45/73 F); return of population

and refugees displaced since 1967 (resolution 45/73 G); revenues derived from Palestine refugees' properties (resolution 45/73 H); protection of Palestine refugees (resolution 45/73 I); the University of Jerusalem "Al-Quds" for Palestine refugees (resolution (45/73 J); and protection of Palestinian students and educational institutions and safeguarding of the security of the facilities of UNRWA in the occupied Palestinian territory (resolution 45/73 K). The situation of the Palestine refugees and the activities of UNRWA since the adoption of these resolutions are described in the annual report of the Commissioner-General of UNRWA for the period 1 July 1990 to 30 June 1991. 2/ The reports of the Secretary-General under resolutions 45/73 D, E, F, G, H, I, J and K have been circulated as documents A/46/535, A/46/536, A/46/537, A/46/538, A/46/399, A/46/539, A/46/540 and A/46/541 respectively. The report of the United Nations Conciliation Commission for Palestine under resolution 45/73 A and the report of the Working Group on the Financing of UNRWA under resolution 45/73 B have been circulated as documents A/46/373 and A/46/622, respectively.

V. QUESTION OF PALESTINE

19. At its forty-fifth session, on 6 December 1990, the General Assembly adopted five resolutions under the agenda item entitled "Question of Palestine". In resolution 45/67 A, the Assembly endorsed the recommendations contained in paragraphs 93 to 102 of the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People; 3/ requested the Committee to continue to keep under review the situation relating to the question of Palestine, as well as the implementation of the Programme of Action for the Achievement of Palestinian Rights; 4/ and authorized the Committee to continue to exert all efforts to promote the implementation of its recommendations. In resolution 45/67 B, the Assembly requested the Secretary-General to provide the Division for Palestinian Rights of the Secretariat with the necessary resources and to ensure that it continued to discharge the tasks detailed in previous relevant resolutions of the General Assembly, in consultation with the Committee. In resolution 45/67 C, the Assembly requested the Department of Public Information of the Secretariat, in full cooperation and coordination with the Committee, to continue its special information programme on the question of Palestine. In resolution 45/68, the Assembly reaffirmed the urgent need to achieve a just and comprehensive settlement of the Arab-Israeli conflict, the core of which was the question of Palestine; called once again for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the legitimate national rights of the Palestinian people, primarily the right to self-determination. The Assembly reaffirmed the following principles for the achievement of comprehensive peace: the withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories; guaranteeing arrangements for security of all States in the

region, including those named in resolution 181 (II) of 29 November 1947, within secure and internationally recognized boundaries; resolving the problem of the Palestine refugees in conformity with General Assembly resolution 194 (III) of 11 December 1948, and subsequent relevant resolutions; dismantling the Israeli settlements in the territories occupied since 1967; and guaranteeing freedom of access to Holy Places, religious buildings and sites. It noted the expressed desire and endeavours to place the Palestinian territory occupied since 1967, including Jerusalem, under the supervision of the United Nations for a limited period, as part of the peace process; once again invited the Security Council to consider measures needed to convene the International Peace Conference on the Middle East, including the establishment of a preparatory committee, and to consider guarantees for security measures agreed upon by the Conference for all States in the region; and requested the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, to facilitate the convening of the Conference, and to submit progress reports on developments in this matter.

20. The report requested of the Secretary-General in resolution 45/68 has been circulated as A/46/623-S/23204.

21. In resolution 45/69, the General Assembly condemned those policies and practices of Israel, the occupying Power, which violated the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and, in particular, such acts as the opening of fire by the Israeli army and settlers that resulted in the killing and wounding of defenceless Palestinian civilians, the beating and breaking of bones, the deportation of Palestinian civilians, the imposition of restrictive economic measures, the demolition of houses, the ransacking of real or personal property belonging individually or collectively to private persons, collective punishment and detentions, and so forth; demanded that Israel, the occupying Power, abide scrupulously by the Fourth Geneva Convention and desist immediately from those policies and practices which are in violation of the provisions of the Convention; called upon all the High Contracting Parties to the Convention to ensure respect by Israel, the occupying Power, for the Convention in all circumstances, in conformity with their obligation under article 1 thereof; strongly deplored the continuing disregard by Israel, the occupying Power, of the relevant decisions of the Security Council; reaffirmed that the occupation by Israel of the Palestinian territory since 1967, including Jerusalem, and of the other Arab territories in no way changed the legal status of those territories; requested the Security Council to examine with urgency the situation in the occupied Palestinian territory with a view to considering measures needed to provide international protection to the Palestinian civilians in the Palestinian territory occupied by Israel since 1967, including Jerusalem; invited Member States, the organizations of the United Nations system, governmental, intergovernmental and non-governmental organizations, and the mass communications media to continue and enhance their support for the Palestinian people; and requested the Secretary-General to examine the situation in the Palestinian territory occupied since 1967, including Jerusalem, by all means available to him and to submit periodic reports thereon, the first such report as soon as possible.

22. The report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the forty-sixth session of the General Assembly appears in document A/46/35. 5/

VI. SITUATION IN THE MIDDLE EAST/

23. At its forty-fifth session, on 13 December 1990, the General Assembly adopted three resolutions concerning the situation in the Middle East. In resolution 45/83 A, the Assembly reaffirmed its conviction that the question of Palestine was the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region would be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories; reaffirmed that a just and comprehensive settlement of the situation in the Middle East could not be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization; declared that peace in the Middle East was indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of its relevant resolutions; considered the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, 6/ and reiterated by the Extraordinary Summit Conference of Arab States, held at Casablanca, Morocco, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace; condemned Israel's continued occupation of the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, and demanded the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967; rejected all agreements and arrangements that violated the inalienable rights of the Palestinian people and contradicted the principles of a just and comprehensive solution to the Middle East problem; determined that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status were null and void and demanded that they be rescinded immediately; condemned Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territory and outside this territory; condemned Israel's annexationist policies and practices in the occupied Syrian Arab Golan; considered that the agreements on strategic cooperation between the United States of America and Israel of 30 November 1981 and the continued supply of modern arms and matériel to Israel, augmented by substantial economic aid, had encouraged Israel to pursue its aggressive and expansionist policies and practices, had had adverse effects on efforts for the establishment of peace in the Middle East and posed a threat to the security of the region; called upon all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people; strongly condemned the collaboration between

Israel and the racist regime of South Africa; reaffirmed its call for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of the five permanent members of the Security Council and all parties to the conflict, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, on an equal footing, and that the Conference should be effective with full authority, in order to achieve a comprehensive and just solution based on the withdrawal of Israel from the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories, and the attainment of the inalienable rights of the Palestinian people in accordance with United Nations resolutions relevant to the question of Palestine and the situation in the Middle East; and endorsed the call for setting up a preparatory committee to take the necessary action to convene the Conference. The other parts of resolution 45/83 deal with Israeli policies in the Syrian Arab Golan and the other occupied territories (resolution 45/83 B) and the transfer by some States of their diplomatic missions to Jerusalem (resolution 45/83 C).

24. Resolutions 45/83 A to C were brought to the attention of Member States, and a report of the Secretary-General including the relevant comments received from the Member States was circulated as document A/46/586.

25. By a letter dated 22 March 1991 (S/22385) the Secretary-General officially informed the Security Council of his decision to appoint a successor to Ambassador Gunnar Jarring following his retirement as Special Representative to the Middle East. Effective that day, Ambassador Edouard Brunner of Switzerland was appointed as Special Representative to the Middle East in accordance with paragraph 3 of Security Council resolution 242 (1967) of 22 November 1967.

VII. OBSERVATIONS

26. Since its thirty-second session, in 1977, the General Assembly has annually adopted a resolution requesting that the Secretary-General submit to it, at its subsequent session, a comprehensive report covering the developments in the Middle East in all their aspects. Throughout my tenure, I have, at the conclusion of each of these comprehensive reports, taken the opportunity to offer some general observations about the circumstances prevailing in the Middle East and, in particular, to emphasize the need to find ways to overcome the obstacles that have, for decades, prevented the achievement of a just and lasting peace in the region. As Secretary-General, I could not but be deeply concerned about a situation in which, year after year, violence and instability persisted in an area that had already experienced five major wars, and where events and trends in one part of the region almost invariably have serious repercussions elsewhere. Time and again, my reports to both the General Assembly and the Security Council have emphasized that the absence of a generally accepted and active negotiating process could only lead to a deterioration of the situation on the ground and greater suffering for the peoples of the area.

27. Given the dangers inherent in a prolonged stalemate at the diplomatic level, I have always maintained that no effort should be spared in the search for a comprehensive settlement of the Arab-Israeli conflict and the issue that lies at its core: the yearning of the Palestinian people to exercise their legitimate political rights, including self-determination. In this connection, I have actively pursued the mandate that the General Assembly has, since 1983, entrusted to the Secretary-General with respect to the convening of an international peace conference on the Middle East. As requested, in consultation with the Security Council, I was continuously in contact with leaders from Egypt, Israel, Jordan, Lebanon, the Syrian Arab Republic and the Palestine Liberation Organization in an effort to facilitate the convening of the conference. It is important to note, as has been indicated in my reports on the matter, that whereas it was not possible to achieve agreement among the parties to participate in such a conference, the positions of the parties, and indeed of the Security Council itself, with respect to an international conference have evolved over the years.

28. In this latter connection, Member States will recall that, following several weeks of intensive consultations, members of the Security Council, in conjunction with the adoption of its resolution 681 (1990) on 20 December 1990, in a statement by the President (S/22027), inter alia, reaffirmed their determination to support an active negotiating process in which all relevant parties would participate leading to a comprehensive, just and lasting peace to the Arab-Israeli conflict through negotiations, which should be based on resolutions 242 (1967) and 338 (1973) and which should take into account the right to security of all States in the region, including Israel, and the legitimate political rights of the Palestinian people. In this context, the Council agreed that an international conference, at an appropriate time, properly structured, should facilitate efforts to achieve a negotiated settlement and lasting peace in the Arab-Israeli conflict.

29. With the above-mentioned statement in mind and in the light of circumstances prevailing in the region, I decided to reactivate the mission of the Special Representative to the Middle East, as called for in paragraph 3 of Security Council resolution 242 (1967). The post had been served with great distinction by Ambassador Gunnar Jarring of Sweden in the years immediately following the adoption of resolution 242 (1967) in November 1967. While the mission had been dormant for a lengthy interval, it is important to recall that it was never officially ended. On 11 January 1991, Ambassador Jarring submitted his resignation, whereupon I announced my intention to designate a successor.

30. On 21 March 1991, I informed the Security Council, in informal consultations, of my decision to appoint Ambassador Eduoard Brunner of Switzerland as my Special Representative to the Middle East. For their part, the members of the Council welcomed this step. At the same time, it should be added that in my remarks to the Council I acknowledged the importance of the initiative that had, at that stage, just been launched by the United States of America regarding the peace process. I reiterated that I had always supported bilateral initiatives in the search for a just and lasting peace in the Middle

East and that, to this end, any step undertaken by Ambassador Brunner or myself would be aimed at assisting such efforts.

31. Accordingly, I followed with keen interest the intensive and often arduous bilateral diplomatic efforts of the past few months that culminated in agreement by the parties to enter into a negotiating process, under the co-sponsorship of the United States and the Soviet Union, aimed at achieving - in the words of the letter of invitation to the peace conference - "a just, lasting and comprehensive peace settlement through direct negotiations on two tracks, between Israel and the Arab States, and between Israel and the Palestinians". It is important to note, in this connection, that although it is being conducted outside the framework of the United Nations, this process has the support of the parties concerned and has as its basis Security Council resolutions 242 (1967) and 338 (1973), which have long been recognized as the cornerstone of a comprehensive settlement.

32. Given my enduring commitment to peace in the Middle East, I should like to conclude this report with a tribute to the historic conference that took place in Madrid from 30 October to 1 November 1991 and the initial round of bilateral discussions that followed. It is my earnest hope that the momentum that has been generated by the Madrid talks will be sustained and that the lasting peace that has so long been denied to all the peoples of the Middle East will indeed become a reality.

Notes

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 13 and addendum (A/45/13 and Add.1).

2/ Ibid., Forty-sixth Session, Supplement No. 13 and corrigendum and addendum (A/46/13 and Corr.1 and Add.1).

3/ Ibid., Forty-fifth Session, Supplement No. 35 (A/45/35).

4/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I, sect. B.

5/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 35 (A/46/35).

6/ See A/37/696-S/15510, annex.

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STRENGTHENING OF SECURITY AND COOPERATION
IN THE MEDITERRANEAN REGION

SECURITY COUNCIL
Forty-sixth year

Letter dated 17 November 1991 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter addressed to you by Mr. Ibrahim M. Bishari, Secretary of the People's Committee of the People's Bureau for Foreign Liaison and International Cooperation concerning the British and United States statements accusing what they called "Libyan elements" of responsibility for the distressing incident of the crash of a United States Pan Am aircraft in 1988.

I should be grateful if you would have this letter circulated as an official document of the General Assembly under agenda item 67, and of the Security Council.

(Signed) Ali Ahmed ELHOUDEIRI
Permanent Representative

Annex

Letter from the Secretary of the People's Committee of the People's Bureau for Foreign Liaison and International Cooperation to the Secretary-General

You have undoubtedly followed the statements issued by the Governments of the United Kingdom and the United States of America accusing what they have called "Libyan elements" of responsibility for the distressing incident of the crash of the Pan Am aircraft in 1988. While we are astonished at the issuance of such statements and the strong language in which they are couched at a time when the world is witnessing an international détente that has led to renunciation of the use of such language and such random flinging of accusations, while we are astonished at that, we warn that such statements stem from a premeditated intention to accuse the Great Jamahiriya and undertake aggression against it. They unquestionably represent a great threat to peace and security, not only in the region but throughout the world.

We categorically deny that the Great Jamahiriya had any association with that incident or that the Libyan authorities have any knowledge of its perpetrators, and we reaffirm our condemnation of international terrorism in all its forms and extend the sympathy of the Libyan Arab people to the families of the victims of the incident and express its solidarity with them.

The Great Jamahiriya is a small, developing country. It is subjected to false accusations by the United States of America and the United Kingdom and, consequently, reserves its right to self-defence before the United Nations. At the same time, it affirms its belief in the peaceful settlement of disputes, as provided for in Article 33, paragraph 1, of the Charter, which provides that the parties to any dispute "shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement ...". The Great Jamahiriya is willing to resolve any difference between it and the United States of America and the United Kingdom by the means provided for in this Article.

The threatening language contained in the statements by the Governments of the United States of America and the United Kingdom are incompatible with the spirit of the age in which we live, the age of détente and peaceful coexistence, and is no longer the language of communication and dialogue between civilized nations. The alternative is adherence to the purposes and principles of the Charter of the United Nations. I hereby affirm that the competent authorities in the Great Jamahiriya adhere to the provisions of the Charter, particularly with regard to the peaceful settlement of disputes. We in the Great Jamahiriya are amazed that the Governments of States that are permanent members of the Security Council should direct such baseless accusations against a small State such as Libya.

Through you, Sir, we call upon the United States of America and the United Kingdom to resort to the language of dialogue and the logic of law, wisdom and reason, as provided for in the Charter. You will perceive, as you have in the past perceived, the extent of the Great Jamahiriya's readiness to cooperate in the conduct of any neutral and honest enquiry.

Raising issues as a means of propaganda and escalating them in this way without making any official contacts with the Libyan authorities and making insinuations and threats regarding the adoption of economic measures against the Great Jamahiriya before completion of the legal procedures, confirms our suspicion that these States seek only to intimidate us. It also recalls their interventions in the course of events that we have mentioned.

In conclusion, we affirm to you our condemnation of international terrorism in all its forms, to which Libya has fallen victim more than once. In 1983 a Libyan civilian aircraft was downed, and in 1986 the Great Jamahiriya was subjected to direct military aggression.

Ibrahim M. BISHARI
Secretary of the People's Committee
of the People's Bureau for Foreign Liaison
and International Cooperation

UNITED
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20 November 1991

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GENERAL ASSEMBLY
Forty-sixth session
Item 15 (c)
ELECTION OF A MEMBER OF
THE INTERNATIONAL COURT
OF JUSTICE

SECURITY COUNCIL
Forty-sixth year

Memorandum by the Secretary-General

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 5	2
II.	COMPOSITION OF THE INTERNATIONAL COURT OF JUSTICE	6	3
III.	PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL	7 - 18	3

I. INTRODUCTION

1. The Deputy Registrar of the International Court of Justice, by a cable dated 14 August 1991, informed the Secretary-General of the death of Judge Taslim Olawale Elias (Nigeria) on 14 August 1991, and of the occurrence of a vacancy in the Court as a result. Judge Elias had been a member of the Court since 6 February 1976, and having been re-elected to serve as from 6 February 1985, his second term of office would have ended on 5 February 1994. According to Article 14 of the Statute of the Court, the vacancy must be filled by the same method as that laid down for the regular election and the Secretary-General is required, within one month of the occurrence of the vacancy, to issue invitations for nominations provided for in Article 5. Also pursuant to Article 14, the Security Council is to fix the date of the election.

2. The Security Council was informed of this vacancy by a note of the Secretary-General (S/22959) dated 16 August 1991 and, pursuant to Article 14 of the Statute of the Court, decided by its resolution 708 (1991) of 28 August 1991 that the election to fill the vacancy should take place on 5 December 1991, at a meeting of the Security Council and at a meeting of the General Assembly at its forty-sixth session. The General Assembly was also informed of this vacancy and the decision of the Security Council (A/46/192). At the suggestion of the Secretary-General, the General Assembly decided to include an additional sub-item in the agenda of the forty-sixth session entitled "Election of a member of the International Court of Justice" (item 15 (c)).

3. Pursuant to Article 5, paragraph 1, of the Statute of the Court, the Secretary-General, in a communication dated 28 August 1991, invited the national groups of States parties to the Statute of the Court to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 28 November 1991. A list of the nominations received by that date and the curricula vitae of the candidates received will be transmitted in separate documents to the General Assembly and the Security Council. The names of the candidates will appear on the ballot papers to be distributed during the election.

4. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term. The member elected to replace Judge Taslim Olawale Elias will thus serve until 5 February 1994.

5. The present composition of the Court and the procedure in the General Assembly and the Security Council for filling the vacancy are described below.

II. COMPOSITION OF THE INTERNATIONAL COURT OF JUSTICE

6. The present composition of the International Court of Justice is as follows:

President: Sir Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland)***

Vice-President: Shigeru Oda (Japan)*

Judges: Manfred Lachs (Poland)*
Roberto Ago (Italy)**
Stephen M. Schwebel (United States)**
Mohammed Bedjaoui (Algeria)**
Ni Zhengyu (China)*
Jens Evensen (Norway)*
Nikolai Tarassov (Union of Soviet Socialist Republics)**
Gilbert Guillaume (France)***
Mohammed Shahabuddeen (Guyana)**
Andrés Aguilar Mawdsley (Venezuela)***
Christopher G. Weeramantry (Sri Lanka)***
Raymond Ranjeva (Madagascar)***

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* Term of office expires on 5 February 1994.

** Term of office expires on 5 February 1997.

*** Term of office expires on 5 February 2000.

III. PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL

7. The election will take place in accordance with the following provisions:

(a) The Statute of the Court, in particular Articles 2 to 4, 7 to 12 and 14;

(b) Rules 150 and 151 of the rules of procedure of the General Assembly;

(c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

8. In accordance with General Assembly resolution 264 (III) of 8 October 1948, Nauru, San Marino and Switzerland, which are parties to the Statute of the Court but not members of the United Nations, have been invited to participate in the General Assembly in electing members of the Court in the same manner as the States Members of the United Nations.

9. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect a member of the Court to fill the vacancy (Article 8 of the Statute).

10. According to Article 2 of the Statute, judges are to be elected, regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

11. The candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council will be considered as elected (Article 10, paragraph 1, of the Statute).

12. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors. The electors in the General Assembly are all the Member States, together with the three non-member States mentioned in paragraph 8 above that are parties to the Statute of the Court. Accordingly, as at the date of the present memorandum, 85 votes constitute an absolute majority in the Assembly for the purpose of the Court election.

13. In the Security Council, eight votes constitute an absolute majority and no distinction is made between permanent and non-permanent members of the Council (Article 10, paragraph 2, of the Statute).

14. Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly and in the Security Council will indicate the candidate for whom they wish to vote by placing a cross against the name on the ballot paper. Each elector may vote for only one candidate.

15. If in the first ballot, in either the General Assembly or the Security Council, no candidate receives an absolute majority, a second ballot will be held and balloting will continue in the same meeting until a candidate has obtained the required majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).

16. When a candidate has obtained the required majority in one of the organs, the President of that organ will notify the President of the other organ of the name of that candidate. Such notification is not communicated by the President of the second organ to the members until that organ has itself given a candidate the required majority of votes.

17. If, upon comparison of the name of the candidate so selected by the General Assembly and by the Security Council, it is found that the result is

different, the Assembly and the Council will proceed, again independently of one another, in a second meeting and, if necessary, a third meeting, to elect one candidate by further ballots, the results again being compared after one candidate has obtained an absolute majority in each organ. If necessary, the above procedure will be repeated until the General Assembly and the Security Council have given an absolute majority of votes to the same candidate.

18. If, however, after the third meeting, the vacancy still remains unfilled, the special procedure set out in Article 12 of the Statute of the Court may be resorted to at the request of either the General Assembly or the Security Council.

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LETTER DATED 18 NOVEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I should like to inform you that the relevant Iraqi authorities have obtained information from Lloyd's Maritime Information Services to the effect that the Kuwaiti regime has seized Iraqi ships still in Kuwaiti ports and have handed them over to Kuwaiti owners so that they can operate them in their own interests. The names of the ships are as follows:

1.	Al-Qadisiyah	155 000 tons
2.	Hattin	155 000 tons
3.	Al-Mutanabbi	132 000 tons
4.	Tariq bin Ziyad	118 000 tons

Another ship, Al-Faw, of 79,000 tons, is still moored at a Kuwaiti port.

The Iraqi Government, in communicating this information, affirms the wish that you should take the necessary measures for the return of the five ships in question as soon as possible.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

UNITED
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S/23229
20 November 1991
ENGLISH
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LETTER DATED 20 NOVEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and further to our letters, the most recent being our letter of 14 November 1991, concerning violations of Iraqi airspace by United States aircraft, I wish to inform you of new developments with regard to such violations, as follows:

12-13 November 1991

Thirty-two sorties flown by 16 two-aircraft formations at speeds of 650-900 km/h and at an altitude of 5,000 m, centred on Mosul, Dohuk, Irbil, Tall Afar and Amadiyah.

13-14 November 1991

Thirty-five sorties flown by 13 two-aircraft formations and three three-aircraft formations at speeds of 600-950 km/h and at altitudes of 2,500-6,500 m, centred on Mosul, Irbil, Dohuk, Amadiyah, Zakho and Tall Afar.

At 0725 hours, two F-111s overflew Faruq airfield at a speed of 800 km/h and at an altitude of 200 metres.

At 1115 hours, two Tornadoes overflew Faruq airfield at a speed of 800 km/h and at an altitude of 100 m.

At 1138 hours, one solo aircraft violated Iraqi airspace south of Artawi to a distance of 15 kilometres, flying at a speed of 600 km/h and at an altitude of 4,000 m.

14-15 November 1991

Twenty sorties flown by nine two-aircraft formations and two single aircraft at speeds of 600-900 km/h and at altitudes of 4,000-6,500 m, centred on Irbil, Mosul, Dohuk, Amadiyah, Zakho, the area north of Kirkuk and the area north of the Saddam airbase.

15-16 November 1991

Thirty sorties flown by 10 two-aircraft formations at speeds of 600-900 km/h and at altitudes of 2,000-7,000 m, centred on Mosul, Irbil, Dohuk, Tal Afar and Amadiyah.

From 0840 to 1300 hours, three two-aircraft formations consisting of F-111s or F-16s overflew Firnas airfield at speeds of 500-700 km/h and at altitudes of 100-500 m.

From 0848 to 1655 hours, six two-aircraft formations consisting of F-111 and F-16s overflew Faruq airfield at speeds of 500-700 km/h and at altitudes of 50-500 m.

16-17 November 1991

Thirty-one sorties flown by 13 two-aircraft formations, two single aircraft and one three-aircraft formation at speeds of 750-840 km/h and at altitudes from 3,000-6,500 m, centred on Mosul, Irbil, Dohuk, Tall Afar, Sinjar, Zakho, Rawanduz and Amadiyah.

At 0655 hours, two F-16s overflew Faruq airfield at a speed of 750 km/h and at an altitude of 20 metres.

At 0715 hours, two F-111s overflew Firnas airfield at a speed of 600 km/h and at an altitude of 30 m.

At 1500 hours, two Jaguars overflew Faruq airfield at a speed of 500 km/h and at an altitude of 600 m.

At 1520 hours, two F-4s overflew Mosul at a speed of 600 km/h and at an altitude of 50 m and dropped two flares.

17-18 November 1991

Thirty-one sorties flown by 15 two-aircraft formations and one single aircraft at 600-900 km/h and at altitudes of 2,000-9,000 m, centred on Dohuk, Zakho, Mosul, Irbil, Amadiyah, Tall Afar, Ayn Zalah and Dukan.

At 1430 hours, two Tornadoes overflew Faruq airfield at a speed of 600 km/h and at an altitude of 50 m.

From 0820 to 1500 hours, five two-aircraft formations consisting of F-111s, F-16s and Jaguars overflew Firnas airfield at speeds of 700-750 km/h and at altitudes of 20-700 m.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative